

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. MJ-21-00201-STE
)
JIMMY DALE STONE,)
)
Defendant.)

ORDER

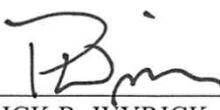
Pursuant to Federal Rule of Criminal Procedure 48(a), the Government filed a Motion to Dismiss (Dkt. 3), seeking to dismiss without prejudice the Complaint (Dkt. 1) filed March 29, 2021, charging Defendant, Jimmy Dale Stone, with violations if 18 U.S.C. §§ 1153(a), 2243(a), 1154(a), and 2244(a)(1). In its motion, the Government avers that dismissal would serve the ends of justice in light of the U.S. Supreme Court's denial of the petitioner's request for a writ of certiorari in *Parish v. Oklahoma*, 142 S. Ct. 757 (2022).

On February 4, 2022, U.S. Magistrate Judge Suzanne Mitchell issued a Report and Recommendation (Dkt. 4) in this action, recommending dismissal of the Government's Complaint (Dkt. 1) without prejudice. The Magistrate Judge advised Defendant of his right to object to the Report and Recommendation (Dkt. 4) by February 18, 2022, and that failure to make a timely objection would waive any right to appellate review of the recommended ruling. To date, Defendant has not filed any objections.

Accordingly, upon review of the Report and Recommendation (Dkt. 4), the Court:

- (1) **ADOPTS** the Report and Recommendation (Dkt. 4) issued by the Magistrate Judge on February 4, 2022; and
- (2) **DISMISSES WITHOUT PREJUDICE** the Government's Complaint (Dkt. 1) filed on March 29, 2021.

IT IS SO ORDERED this 28th day of February 2022.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE